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The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development

Letter dated 19 November 1998 from the Permanent Representative of Nicaragua to the United Nations addressed to the Secretary-General

I have the honour to write to you in connection with your report on the situation in Central America (A/53/315). Specifically, I wish to refer to paragraph 14 of your report, which refers to territorial disputes in the region, and ends with the following statement: "Regarding the disputes over transit on the San Juan River along the border between Nicaragua and Costa Rica, the countries concerned have consistently emphasized the need to settle their differences through dialogue." Regarding this statement in paragraph 14 of the report, I believe it pertinent to make the following comments:

(a) That the waters of the San Juan River do not constitute a border between Nicaragua and Costa Rica. The border is on dry land and runs partly along the right bank of the river and partly along a line three miles from the river's edge.

(b) There is no dispute between Nicaragua and Costa Rica involving territorial sovereignty in relation to navigation on the San Juan River, inasmuch as under the Jérez-Cañas Treaty of 1858, which was ratified by the Cleveland decision of 1888, it was agreed that Nicaragua had dominion and supreme authority, that is to say full sovereignty, over the waters of the river along its entire length and Nicaragua, in turn, by the same treaty accorded Costa Rica the right to freedom of navigation for *purposes of trade* along a stretch of the river. What is currently going on between the two countries in relation to navigation on the river, is consideration, by means of bilateral dialogue, of Costa Rica's request for permission to transport armed Costa Rican soldiers on its vessels along the waters of the river, for the purpose of changing the garrison in the border posts close to the right bank of the river.

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I should be grateful if you would have this small clarification concerning the wording of the report on the situation in Central America circulated as a document of the General Assembly, under item 44 of the agenda.

(*Signed*) Alfonso Ortega **Urbina**
Permanent Representative to the United Nations